



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,860	06/25/2003	Peter C. Kempf	1492 US	2103

20346 7590 12/20/2004
KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
5300 ALLEN K BREED HIGHWAY
LAKELAND, FL 33811-1130

EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
----------	--------------

3616

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,860

Applicant(s)

KEMPF ET AL.

Examiner

Joselynn Y. Sliteris

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09222003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to because in Fig. 1, "O_w" is indicating the width of the pedestrian protection device 18 not the width of the opening 26. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3616

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 10062560A1.

4. Regarding claims 1-7, DE 10062560A1 discloses a pedestrian protection device as in the present invention comprising:

an airbag inflator 8;

an air bag 44 in communication with said airbag inflator 8, said airbag 44 forming a frame that defines at least in part an opening;

a support 50 comprising a net extendable across said opening;

an airbag housing for receiving said airbag 44 and said airbag inflator 8, wherein said airbag housing is located forward of a hood of the vehicle (Figs. 1-4c);

wherein said airbag 44 comprises a first member 49, a second member 47, and a third member 48, said first member 49 transverse to said second member 47 and said second member 47 transverse to said third member 48;

wherein said support 50 is supportable by at least two of said first 49, second 47, and third 48 members;

wherein said opening has a width of about a width of a vehicle windshield.

5. Regarding claims 8-13, DE 10062560A1 discloses a pedestrian protection device as in the present invention comprising:

a first inflatable member 49;

Art Unit: 3616

a second inflatable member 48 spaced from said first inflatable member 49; an opening defined by said first inflatable member 49 and said second inflatable member 48; and

a net 50 extendable across said opening and supportable by and between said first inflatable member 49 and said second inflatable member 48;

including a third inflatable member 47, said third inflatable member 47 transverse to said first inflatable member 49 and transverse to said second inflatable member 48;

wherein said net 50 is supportable by at least two of said first 49, second 48, and third 47 inflatable members;

wherein said first inflatable member 49 is in fluid communication with at least one of said second 48 and third 47 inflatable members;

wherein said first 49, second 48 and third 47 inflatable members form a U-shape pattern.

6. Regarding claims 14 and 15, DE 10062560A1 discloses a method of deploying a pedestrian protection device as in the present invention comprising the steps of:

inflating an airbag 44;

deploying the airbag 44 from a location on a vehicle forward of the vehicle hood;

and

extending a net 50 across a portion of the vehicle by inflating the airbag 44;

wherein the airbag 44 extends generally perpendicular to a front portion of the vehicle.

Art Unit: 3616

7. Claims 1-5 and 7-13 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 10102597A1.

8. Regarding claims 1-5 and 7, DE 10102597A1 discloses a pedestrian protection device as in the present invention comprising:

an airbag inflator 5;

an air bag 20 in communication with said airbag inflator 5, said airbag 20 forming a frame that defines at least in part an opening;

a support 26 comprising a net extendable across said opening;

an airbag housing for receiving said airbag 20 and said airbag inflator 5;

wherein said airbag 20 comprises a first member, a second member, and a third member, said first member transverse to said second member and said second member transverse to said third member;

wherein said support 26 is supportable by at least two of said first, second, and third members;

wherein said opening has a width of about a width of a vehicle windshield 16.

9. Regarding claims 8-13, DE 10062560A1 discloses a pedestrian protection device as in the present invention comprising:

a first inflatable member;

a second inflatable member spaced from said first inflatable member; an opening defined by said first inflatable member and said second inflatable member (Figs. 1, 5); and

a net 26 extendable across said opening and supportable by and between said

Art Unit: 3616

first inflatable member and said second inflatable member;

including a third inflatable member, said third inflatable member transverse to said first inflatable member and transverse to said second inflatable member;

wherein said net 26 is supportable by at least two of said first, second, and third inflatable members;

wherein said first inflatable member is in fluid communication with at least one of said second and third inflatable members;

wherein said first, second and third inflatable members form a U-shape pattern.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

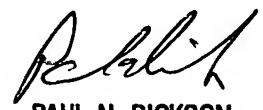
Art Unit: 3616

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joselynn Y. Sliteris 12/8/04
Patent Examiner
Art Unit 3616

JYS
12/8/04


PAUL N. DICKSON 12/10/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600